

**DEPARTMENT OF THE ARMY**  
**Wilmington District, Corps of Engineers**  
**Post Office Box 1890**  
**Wilmington, North Carolina 28402-1890**

Action ID No. 200530150

November 1, 2004

**PUBLIC NOTICE**

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Director, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit TO DISCHARGE DREDGED OR FILL MATERIAL INTO 0.82 ACRES OF WETLAND AND 6812 LINEAR FEET OF STREAM CHANNEL IN AND ADJACENT TO THE WATERS OF THE HIWASSEE RIVER, MARTIN CREEK, HAMPTON CREEK, McCOMB BRANCH AND UNNAMED TRIBUTARIES TO FACILITATE THE RELOCATION OF 4.9 MILES OF US HIGHWAY 64 FROM US HIGHWAY 19/74/129 AT MURPHY TO NC HIGHWAY 141 AT PEACHTREE, CHEROKEE COUNTY, NORTH CAROLINA (TIP NO. R-0977 A, STATE PROJECT NO. 8.1910203).

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed construction of a new, two-lane road on four-lane right-of-way relocating US 64 to a location south of the existing highway. The proposed right-of-way width varies from 170 to 500 feet depending on terrain. Rural sections of the 4.9-mile long project would have a 46-foot median. Partial access control is planned with access limited to intersections. On-grade intersections would be constructed at SR 1561, SR 1549, SR 1548 and SR 1546. Two new bridges would be constructed spanning the Hiwassee River, one at the west end of the project near Murphy and the other near the eastern end of the project west of Peachtree. It is proposed to install two non-destructive, temporary work bridges in the Hiwassee River at the west crossing location to facilitate bridge construction. These work bridges would span approximately one-third of the channel width and would temporarily impact 0.01 acres of river bottom. No work bridges are required at the east river crossing. A permanent spanning bridge is also proposed over Martin Creek together with a temporary work bridge for construction access. The remaining 18 stream crossings would involve pipe or box culvert installations ranging from a 59-foot long pipe extension at Site 22 on an unnamed tributary to McComb Branch to a 971-foot long, double 8-foot by 9-foot concrete box culvert at Site 9 on Hampton Creek. A meandering, low flow channel would be established within the eastern barrel of this box culvert to facilitate fish passage. At Site 11, on an unnamed tributary to the Hiwassee River, the proposed road crossing and the resulting relocation of a portion of SR 1558 (Harshaw Road) would impact a total of 1598 linear feet of this first order stream channel. Approximately 448 linear feet of this channel would be piped and 1150 linear feet would be relocated to the south of Harshaw Road. The relocated channel would be constructed using natural stream channel design techniques. Due to stream buffer constraints, the applicant is

requesting on-site stream mitigation credit for 801 linear feet of this channel. All impacted streams have perennial flow. Rock cross vanes are proposed below the pipe outlets at Sites 12, 14, 16 and 18 to reduce stream velocities. Due to the presence of rock formations containing sulfur-rich minerals, the applicant is proposing to monitor and test runoff from erosion control basins in the active construction areas and evaluate pH and sulfate values. A contingency plan has been developed to both contain and treat acidic leachate as necessary. The proposed relocation of US 64 would impact eight small wetlands at six sites. These wetlands range in size from 0.01 to 0.22 acres and consist of scrub shrub and emergent marsh depressions within stream floodplains. These wetlands are vegetated with soft rush, smartweed, panicum, jewelweed, sedge, boxelder, river birch, tag alder and American sycamore.

The project as a whole would impact 0.82 acres of wetland and 6812 linear feet of perennial stream channel. Approximately 1150 linear feet of perennial channel at Site 11 would be relocated utilizing natural stream channel design. The applicant is requesting mitigation credit for the 801 linear feet that has adequate streamside buffers. The applicant is proposing to mitigate for the remaining stream impacts (6011 feet) and all wetland losses by utilizing the North Carolina Ecosystem Enhancement Program (EEP). The Federal Highway Administration (FHWA) approved an Environmental Assessment (EA) for the proposed work on July 29, 1994. A Finding of No Significant Impact (FONSI) was signed by the FHWA in February of 1995. The purpose of the proposed work is to provide a safer road facility with provisions for additional capacity as traffic volumes grow on the primary east-west route through southern Cherokee County. Plans showing representative portions of the proposed work are included with this public notice. Full plans may be obtained from the applicant or viewed at the US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Department of Environment and Natural Resources (NCDENR) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973. The applicant has prepared a Biological Assessment (BA) for two Federal Species of Concern that may be designated as endangered or threatened prior to construction of the project, the Tennessee clubshell mussel and the sicklefin redhorse. Both species are found in the Hiwassee River. The BA is currently being evaluated by the US Fish and Wildlife Service.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

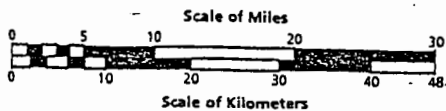
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts, including secondary and cumulative impacts, of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306 and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the 401 Wetlands Certification Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

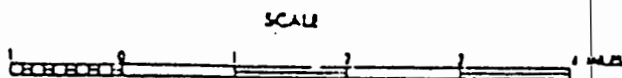
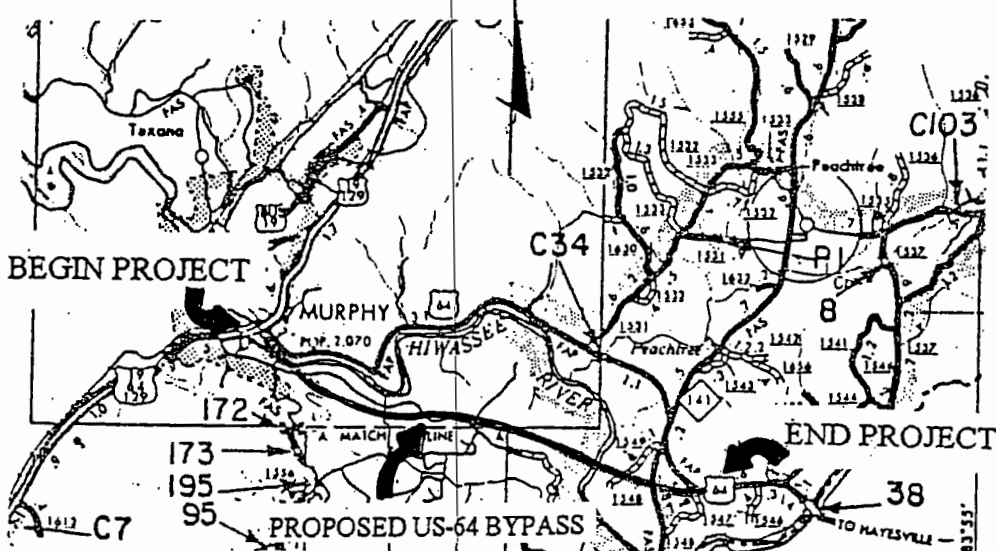
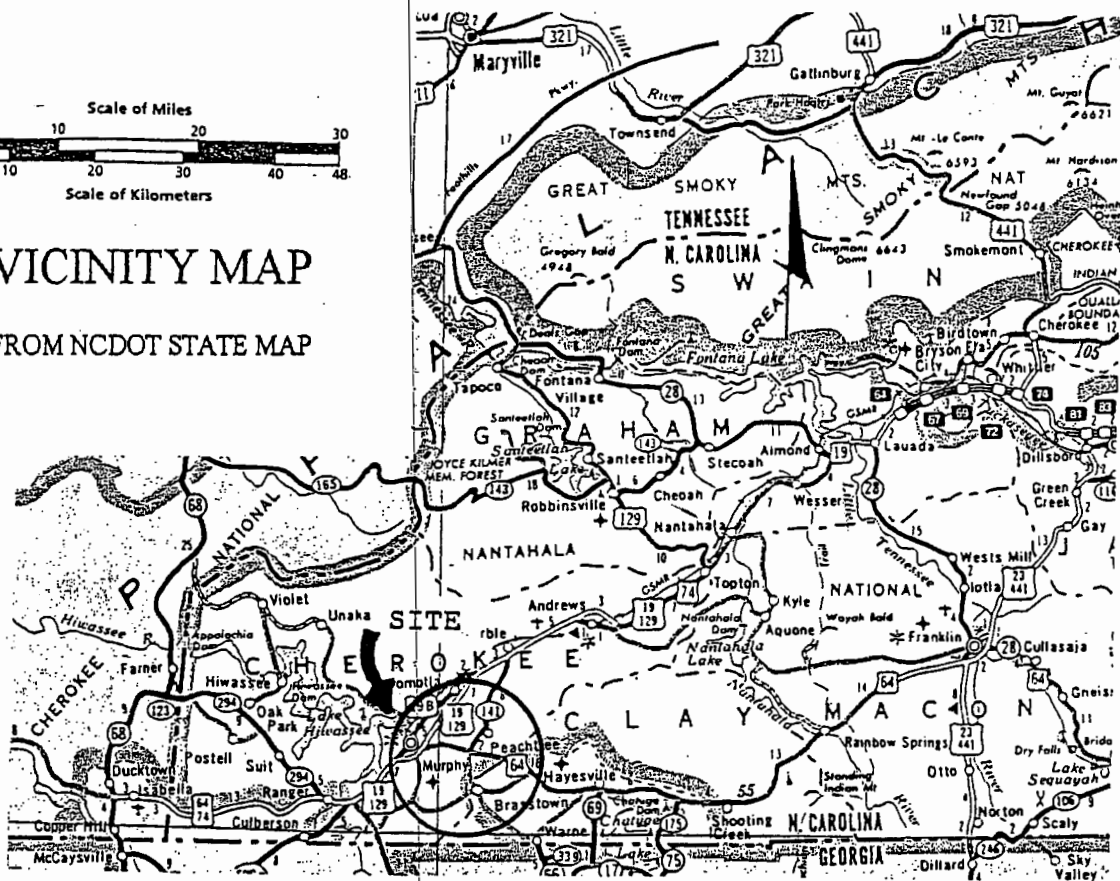
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality Wetlands Section, 1621 Mail Service Center, Raleigh, North Carolina 27626-0621, on or before November 23, 2004, Attention: Ms. Cindi Karoly.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steven Lund, until 4:15 p.m., November 30, 2004, or telephone (828) 271-7980.



## VICINITY MAP

FROM NCDOT STATE MAP



## VICINITY MAP

FROM NCDOT BRIDGE LOCATION MAP

ACTION ID 200530150  
PUBLIC NOTICE SHEET 1 OF 15

N.C. DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CHEROKEE COUNTY

PROPOSED US-64 RELOCATION FROM EXISTING  
US-19-74-129 IN MURPHY TO EAST OF NC-141  
IN PEACHTREE

SCALE AS SHOWN

SHEET 1 OF 39

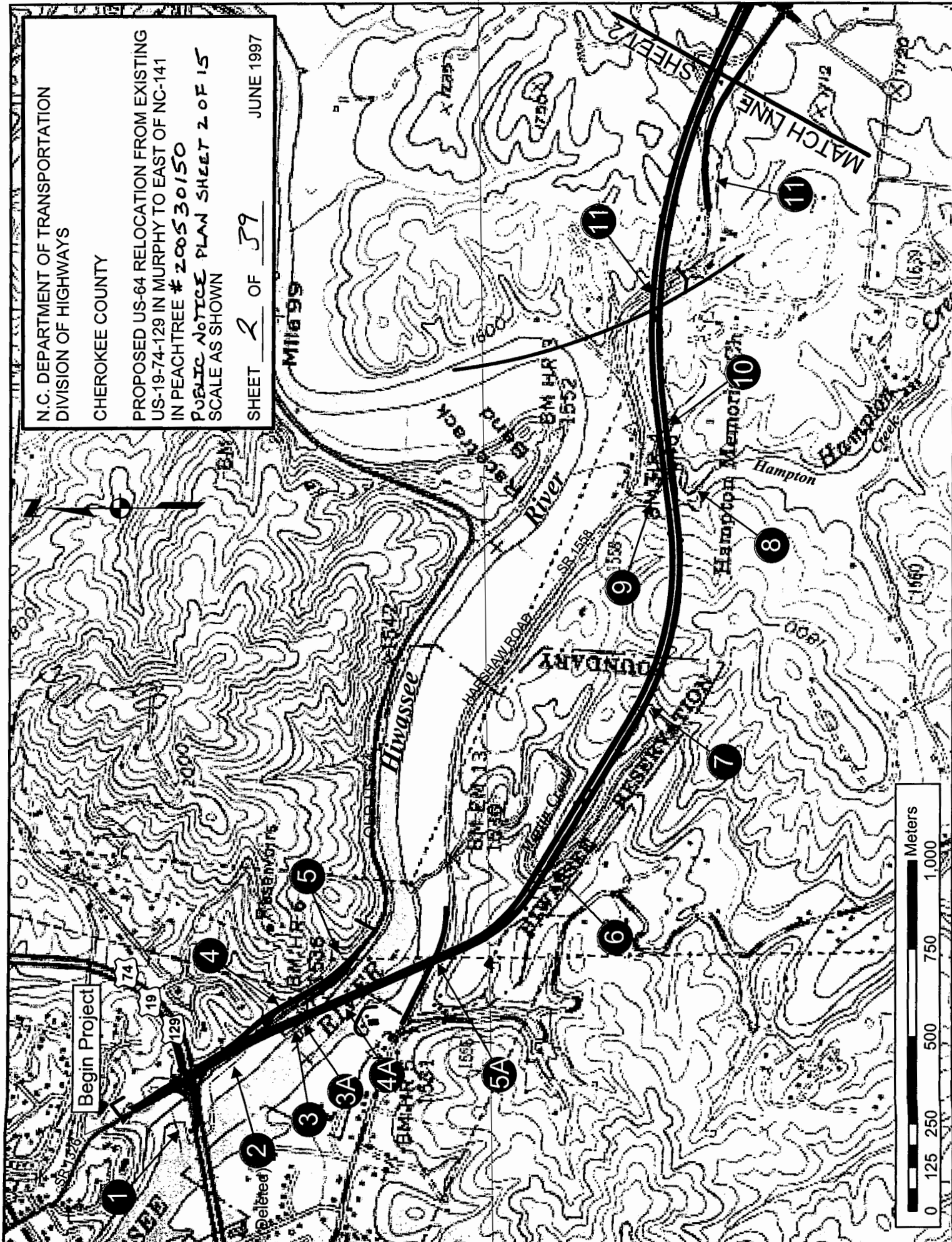
JUNE 1997

N.C. DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CHEROKEE COUNTY

PROPOSED US-64 RELOCATION FROM EXISTING  
US-19-74-129 IN MURPHY TO EAST OF NC-141  
IN PEACHTREE # 200530150  
PUBLIC NOTICE PLAN SHEET 2 OF 15  
SCALE AS SHOWN

SHEET 2 OF 39 JUNE 1997



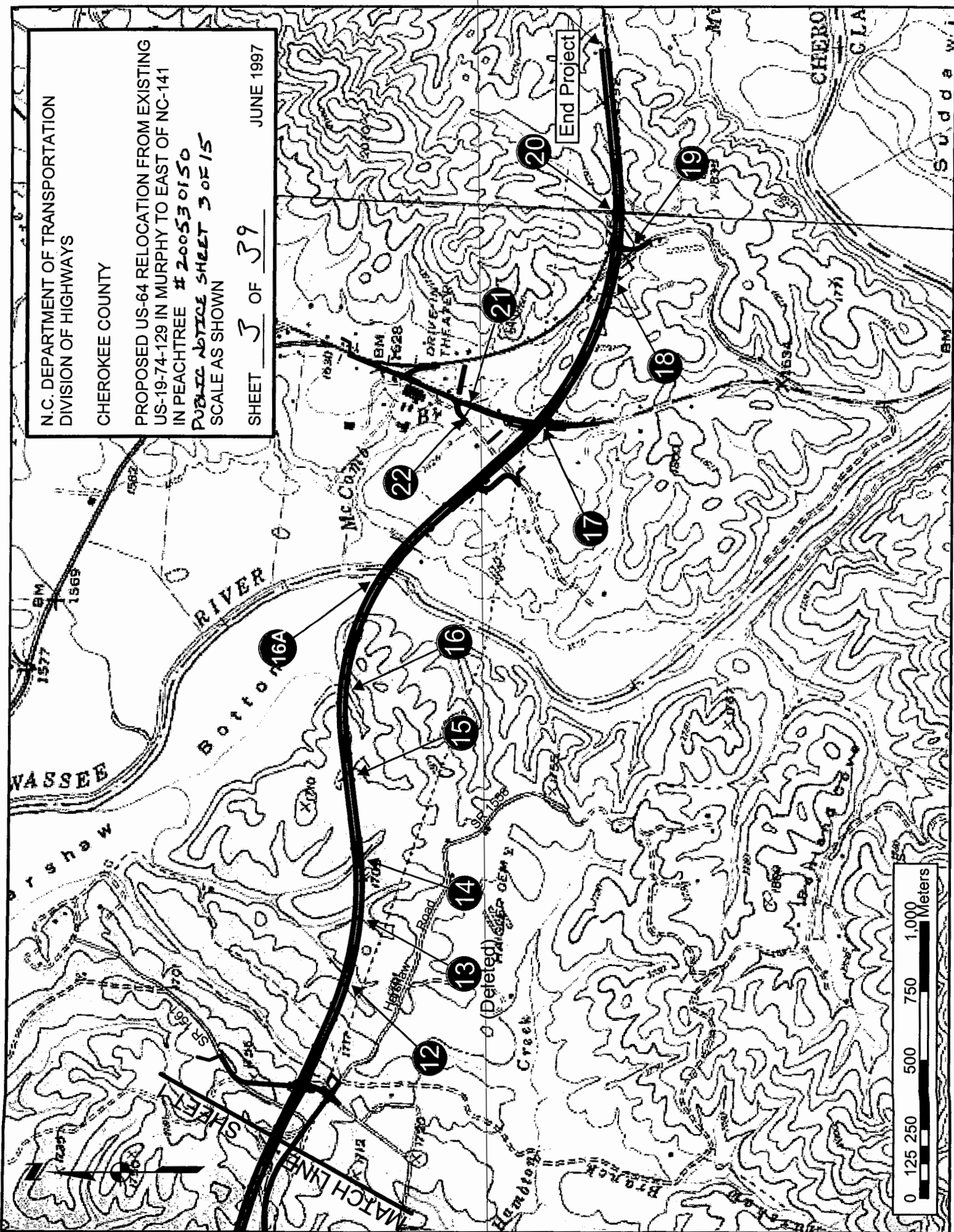
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CHEROKEE COUNTY

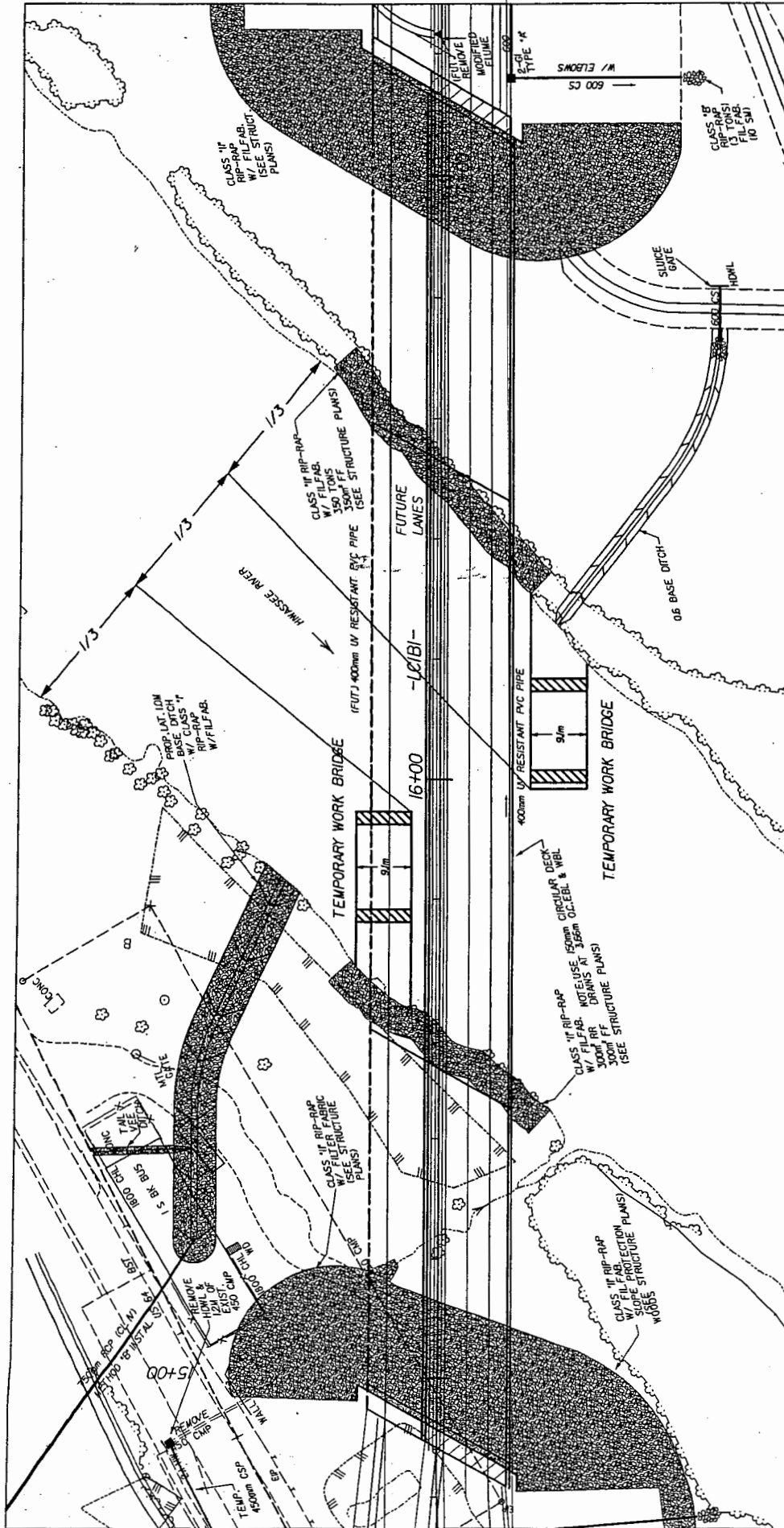
PROPOSED US-64 RELOCATION FROM EXISTING  
US-19-74-129 IN MURPHY TO EAST OF NC-141  
IN PEACHTREE #200530150  
PUBLIC NOTICE SHEET 3 OF 15  
SCALE AS SHOWN

JUNE 1997

SHEET 3 OF 39







**NCDOT**  
 DIVISION OF HIGHWAYS  
 CHEROKEE COUNTY  
 PROJECT: 8.1910203 (R-977A)  
 PROPOSED US 64 RELOCATION FROM  
 EXISTING US-19-74-129 IN MURPHY  
 TO EAST OF NC 141 IN PEACHTREE

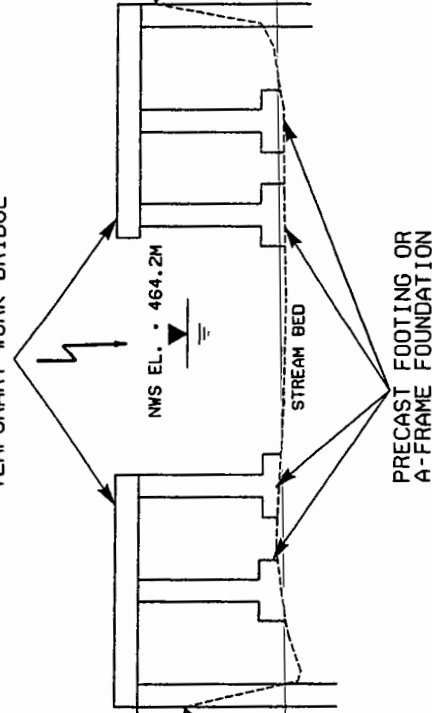
**PLAN VIEW**  
**TEMPORARY WORK BRIDGE**  
**SITE 4A**  
**SCALE 1:1000**

**ACTION ID # 200530150**

**PUBLIC NOTICE SHEET 5 OF 15**

SHEET 7 OF 39 8/17/04

NON DESTRUCTIVE  
TEMPORARY WORK BRIDGE



AREA OF TEMPORARY IMPACTS DUE TO  
TEMPORARY FOOTING/ FOUNDATIONS = 28M<sup>2</sup>

ACTION ID # 200530150

PROFILE VIEW  
TEMPORARY WORK BRIDGE

SITE 4A  
NOT TO SCALE

PUBLIC NOTICE SHEET 6 OF 15

NCDOT

DIVISION OF HIGHWAYS

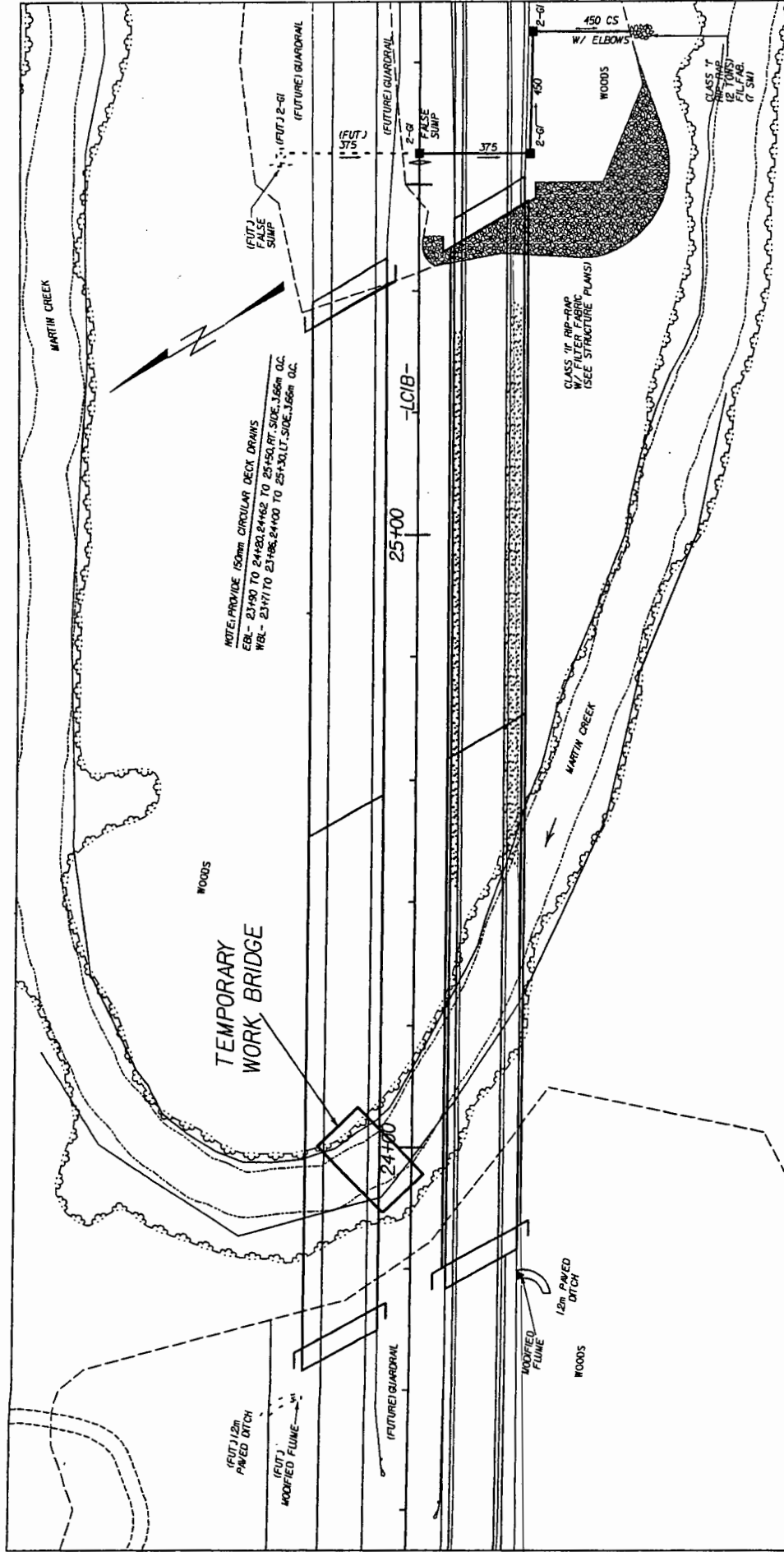
CHEROKEE COUNTY

PROJECT: 8.1910203 (R-977A)

PROPOSED US 64 RELOCATION FROM  
EXISTING US-19-74-129 IN MURPHY  
TO EAST OF NC 141 IN PEACHTREE

SHEET 8 OF 39

5/20/04



ACTION ID# 200530150

# PLAN VIEW TEMPORARY WORK BRIDGE AT MARTINS CREEK NO IMPACTS

SCALE 1:1000

PUBLIC NOTICE SHEET 7 OF 15

NCDOT

DIVISION OF HIGHWAYS

CHEROKEE COUNTY

PROJECT: 81910203 (R-977A)

PROPOSED US 64 RELOCATION FROM  
EXISTING US-19-74-129 IN MURPHY  
TO EAST OF NC 141 IN PEACHTREE

SHEET 12 OF 39

2/25/04

0 10 20M 40



JUNE 1927

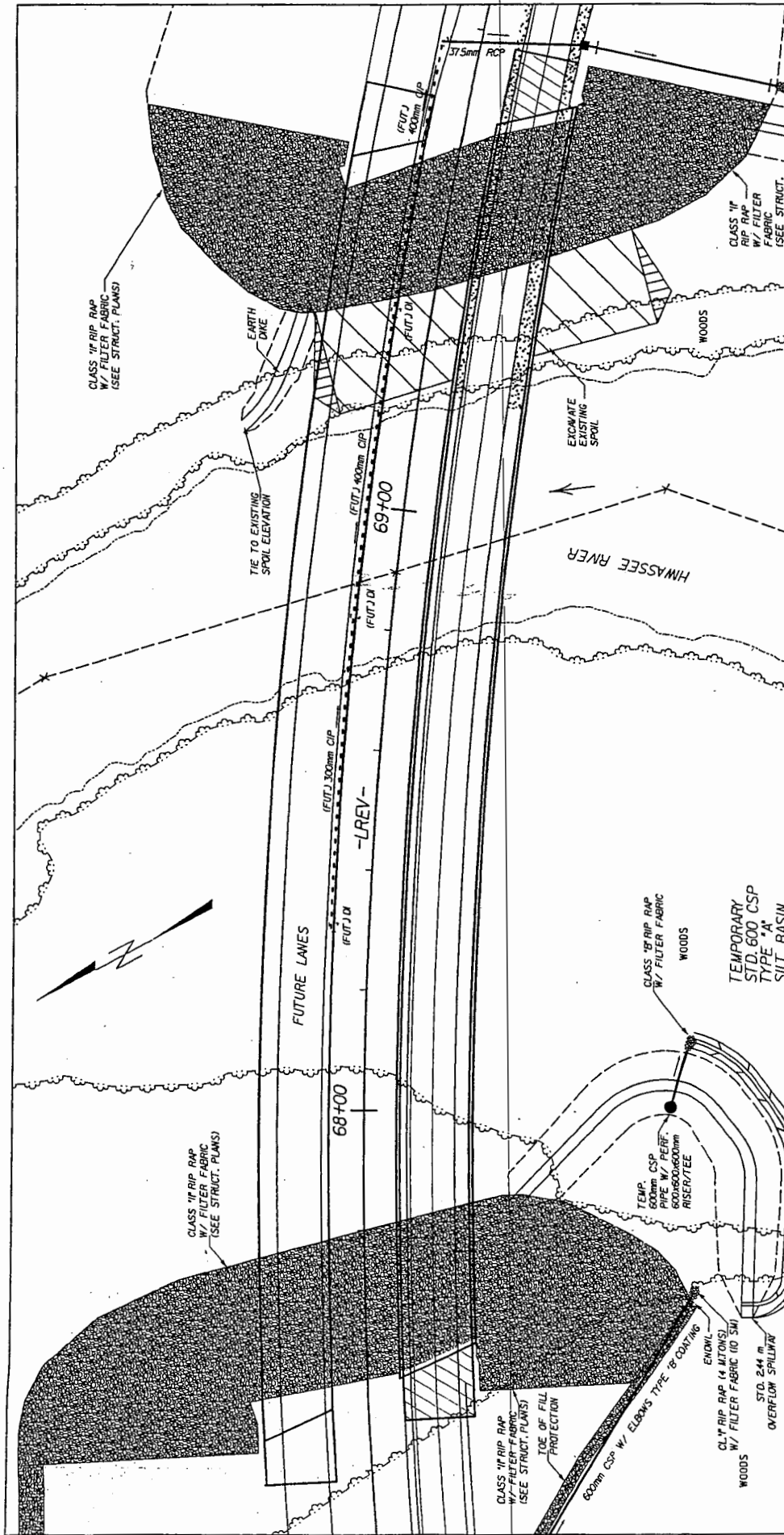












NCDOT

DIVISION OF HIGHWAYS

CHEROKEE COUNTY

PROJECT: 8.1910203 (R-977A)

PROPOSED US 64 RELOCATION FROM

EXISTING US-19-74-129 IN MURPHY

TO EAST OF NC 141 IN PEACHTREE

SHEET 27 OF 39

7/1/04

ACTION ID # 200530150

PLAN VIEW

NO

IMPACTS

SITE 16A

SCALE 1:1000

PUBLIC NOTICE SHEET 14 OF 15

# WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ac.)	Temp. Fill In Wetlands (ac.)	Excavation In Wetlands (ac.)	Mechanized Clearing (Method III) (ac.)	Fill In SW (Natural) (ac.)	Fill In SW (Pond) (ac.)	Temp. Fill In SW (ac.)	Existing Channel Impacted (ft.)	Natural Stream Design (ft.)	
1	10+80-LC1B- RT.	150 CS	0.12		<.01*		<.01*				66	
2		DELETED THIS SITE										
3	14+60-LC1B-	NONE	0.17									
3A	15+60-L1CB-	RIP RAP DITCH										
4	14+80-LC1B-	750	0.02		0.22							
4A	16+00-L1CB-	NON DESTRUCTIVE WORK BRIDGE					0.07				354	
5	12+64-Y1REV-	450 CS					<.01*				113	
5A	18+30-LC1B-	1200					0.12				518	
6	24+00-LC1B-	TEMPORARY WORK BRIDGE						0				
7	28+90-LREV- RT.	800 CS					<.01*				22	
8	34+80-LREV- RT.	150 CS					<.01*				89	
9	35+50-LREV-	2 @ 2.4 X 2.4 RCBC					0.25				971	
10	36+50-LREV-	750					0.05				725	
11	10+20 TO 15+50-Y3- RT.	MULTIPLE PIPES	0.05		0.05		0.15	<.01*			1598	801
12	54+20-LREV- LT.	900					<.01*				220	
13		DELETED THIS SITE										
14	58+00-LREV-	750					0.02				358	
15	61+40-LREV-	150 CS					0.02				125	
16	64+40-LREV-	1200 CS					0.02				453	
16A	68+00-LREV-	BRIDGE										
17	76+40, 76+80 RT. -LREV-	900	0.12									
18	82+00-LREV-	1500	0.07				0.02				381	
19	10+60-Y9REV-	2 @ 1200					<.01*				151	
20	85+00-LREV-	1500 CS					0.07				504	
21	12+75-Y6-	1 @ 1.5 X 1.5 CONCRETE BOX	<.01*		<.01*		<.01*				105	
22	10+00-Y10-	1 @ 1200, 1 @ 1500					<.01*				59	
TOTALS:			0.55	0	0.27	0	0.79	0	0	0	6812	801

\* Used 0 in place of <.01 when calculating totals.

ACTION ID # 200530150

PUBLIC NOTICE SHEET 15 OF 15

NCDOT

DIVISION OF HIGHWAYS  
CHEROKEE COUNTY  
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SHEET 39 OF 39 8/17/2004